

Exhibit 16

PRIVILEGES AND ELECTIONS

REDISTRICTING

SENATE HEARING

BEFORE: DELEGATE MARK COLE, CHAIRMAN

PLACE: COMMONWEALTH OF VIRGINIA
GENERAL ASSEMBLY BUILDING
RICHMOND, VIRGINIA 23218

DATE: APRIL 4, 2011

TIME: 2:00 PM

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1 Delegate McClellan was at 50 percent, currently she's at a
2 50 percent district, as far as African American district.
3 For Delegate McClellan, that's not an issue. Even though
4 she's an African American, she can win that district. But
5 if Delegate McClellan leaves that and goes on to become a
6 State Representative, state-wide representative, Congress
7 or whatever, could another African American minority
8 person, if you will, still be able to keep that as one of
9 the 12 minority districts? Not so.

10 So, in order to make it stronger, so that that
11 would be a position that an African American could hold,
12 then there needs to be some shifts. And the three
13 parties, the delegates, are in agreement and we've made
14 that transition.

15 DELEGATE JONES: And I would like to add that, in
16 the process of doing that, we actually took Delegate
17 Massie and Delegate O'Bannon completely out of Henrico.
18 We were able to do that, and that left Delegate McClellan
19 with just one precinct in Henrico. I think that then
20 gives the City of Richmond, they know that they don't have
21 a split representation in that regard. That move allowed
22 us to move those two individuals out of Richmond City, and
23 then make it more compact and contiguous, I believe, at the
24 end of the day.

25 DELEGATE DANCE: Yes.

1 DELEGATE JONES: Mr. Chairman, I would just
2 reiterate that this plan was drawn with the criteria in
3 mind that we passed. And as I mentioned at the beginning
4 of the presentation of this bill, I think the young man
5 did a very good job presenting his bill and his case. I
6 commend the students for their hard work and what they've
7 done.

8 What I think I've heard is that what our number
9 one and two priorities, which is One Person/One Vote, and
10 fully compliant with the Voting Rights Act, were not their
11 top two priorities. I think I have heard testimony
12 Saturday night. We heard testimony this morning. We
13 heard testimony on the floor. And you have to have an
14 effective minority population to be able to, for the
15 minority to elect the candidate of their choice. Not to
16 reelect the incumbent, but to elect the candidate of their
17 choice.

18 And I think that many would say that if there are
19 50 or 51 percent voting-age population, that really puts
20 in play that ability, because if you look at the
21 registered voters and how it trends, you may have 60
22 percent of Delegate Joannou, of my persuasion, to use
23 Delegate Spruill's term. Is that how you said it? You
24 may be looking at, in reality, it might be 40 percent.

25 So we have a bleed off of the numbers who are

1 actually eligible to vote and who can vote. Because 18
2 just states you're eligible because of your age to be able
3 to vote. That's why they call it "voting-age
4 population." That does not indicate nor dictate that
5 there are that many that would and actually can vote.

6 I would just point out this plan, 5001, took into
7 account parties of interest, took into account the One
8 Person/One Vote, and full compliance in the Voting Rights
9 Act, and took into account something that we should and
10 have as its original intent.

11 Mr. Chairman, I heard that we do not have a
12 substitute in front of us. I think we'll have something
13 by the time the public comment is done to be able to have
14 that in front of us.

15 CHAIRMAN COLE: All right. Thank you, Delegate
16 Jones. What I would like to do is open this up for any
17 public comments for either plan, House Bill 5001 or 5002.
18 So if anyone would like to speak to the committee and
19 address about either plan or redistricting, please step to
20 the podium and identify yourself.

21 MR. JACKSON: Good afternoon, Mr. Chair and
22 Members of the Committee. I'm looking around the room. I
23 think some people have heard me speak before. My name is
24 Andrew Jackson, and I ought to know a little something
25 about politics. But it's just a little bit.